Environmental Clearance Application

Initial Study

Story & Clayton Property

PDC04-026

Application by

Braddock & Logan Group

July 28, 2004
as revised
October 7, 2004

Mindigo & Associates Environmental Consultants
1984 The Alameda ■ San Jose, California 95126 ■ (408) 554-6531

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City of San Jose
Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECEIPT #:_____
ND GRANTED:	EIR REQUIRED:	DATE:_____
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	AMOUNT:_____ BY:
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:
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Danville, CA 94506
925-736-4000, (fax) 925-736-4031
Attn: Jim Sullivan

Property Owners:

(947-07-061 & -062)
C. & E. Echavarria
P.O. Box 21574
San Jose, CA 95151
408-272-8515

(947-07-063)
J. & J. Davis Trustee
3009 Duchess Court
Rocklin, CA 95765

Environmental Consultant:
Mindigo & Associates
1984 The Alameda
San Jose, CA 95126
408-554-6531, (fax) 408-554-6577

Name of Project: **Story & Clayton Property**

Location of Project:
Southwesterly quadrant of Story Road and Clayton Road (14450, 14490 Story Road and 1053, 1055, 1117 Clayton Road)

Brief Description of Project:
A single family detached residential development of up to 15 units on approximately 1.9 gross acres.

Assessor's Parcel Number(s):
647-07-061 through -063

Click here for SANTA CLARA VALLEY MAP (Figure 1)

Click here for USGS MAP (Figure 2)

Click here for VICINITY MAP (Figure 3)

Click here for ASSESSOR'S PARCELS MAP (Figure 4)

Click here for AERIAL PHOTO OF THE VICINITY (Figure 5)

Click here for AERIAL PHOTO OF THE SITE (Figure 6)

Click here for VIEW OF THE SITE (Figure 7)

Click here for VIEW OF THE SITE (Figure 8)

Click here for VIEW OF THE SITE (Figure 9)

PROJECT OBJECTIVE

The objective of this project is to construct high quality, single family homes on the site, in accordance with the goals and policies of the City of San Jose. The applicant believes that there is a market for them in this area. The project will upgrade the area with new housing and provide a public street connection between Arthur Avenue and Formosa Ridge Drive.

C. DESCRIPTION

The project is a single family detached residential development with individual lots located on public and private streets. The minimum lot is 2,880 square feet in area and the average lot is approximately 3,150 square feet. The Conceptual Site Plan provides for 15 units. The Project Data table and reduced copies of the project plans follow. Full size copies are available for review at the City of San Jose Planning Division.

Unit Types

The homes are planned to be two story, wood frame structures with wood and stucco exteriors. They have three or four bedrooms, two-car garages, and fenced rear yards. Front yard landscaping is to be provided.

Access and Street System

Access is from Clayton Road and from Arthur Avenue, with emergency vehicle access from Story Road. The internal project street is to be private. The public and private streets are to be constructed of asphaltic concrete on a rock base, with concrete curbs, gutters and sidewalks, and street trees and electroliers in accordance with City standards.

Parking

Off-street parking for the project is to be provided in attached 2-car garages and on driveway aprons. The parking will meet the Residential Design Guidelines requirements.

Exterior Lighting

Standard electroliers in accordance with City standards are to be provided along the public streets. Normal exterior household lighting is to be provided with the residences.

Utilities

All utilities required to serve the project, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with the project. All of the utilities within the project are to be underground.

Demolition
The project proposes the demolition of all the onsite structures. A discussion of potential asbestos-containing materials (ACM) and/or lead based paint (LBP) hazards is included in the following Hazards and Hazardous Materials section.

Hazardous Materials
Hazardous materials other than those for normal household and yard use will not be used as a part of the operation of any of the establishments on the project site.

Grading
Grading planned for the project is shown on the following Conceptual Grading and Drainage Plan, Figure 14. The final lot and street grading for the project is to be designed to conform to the natural ground as closely as possible. The amount of grading planned is the minimum required to provide public streets that meet requirements for structural section and rate of grade, and to allow the construction of level building pads with positive drainage. In addition to the lot and street excavation, trenching is required for the underground utilities and sewer system. The maximum finished fill is estimated to be approximately 9 feet along the westerly boundary. Fill is required on the majority of the site, and import of natural material is expected.

Tree Removal
There are 34 existing non-orchard trees as well as approximately 66 apricot orchard trees onsite, all of which are to be removed, as further discussed in the following Biological Resources section.

Public Improvements
Public improvements planned with the project include the additional dedication (as required) of Arthur Avenue, and the improvement of Story Road, Clayton Road, and Arthur Avenue adjacent to the project site. The precise dedication and improvement widths and public street rights-of-way are to be in conformance with City plans and requirements.

Public Land Reservations
There are no public land reservations with this project.

Other Related Permits
In addition to the proposed Planned Development (PD) zoning, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	PD Permit, Tentative Map, Final Map, Grading Permit, Building Permits

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Access and Street System

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Click here for LAND USE PLAN
(FIGURE 10)

11 x 17

Click here for CONCEPTUAL SITE PLAN (FIGURE 11)

11 x 17

Click here for TYPICAL FLOOR PLAN
(FIGURE 12)

8 1/2 X 11

Click here for TYPICAL ELEVATIONS
(FIGURE 13)

8 1/2 X 11

Click here for CONCEPTUAL GRADING AND DRAINAGE PLAN (FIGURE 14)

11 x 17

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists primarily of five single family homes and orchard trees, which can be seen in the preceding photographs, Figures 7 through 9.

Scenic Route

The project site is not located adjacent to a designated scenic route.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?				**X**	25,26,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				**X**	25, 26,27,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		**X**			25,26,27
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?		**X**			25,26,28
e. Increase the amount of shade in public and private open space on adjacent sites?			**X**		25,26,28

The current view of the site consists primarily of five single family homes and orchard trees as shown on the preceding photographs, Figures 7 through 9. The project would change the view of the site from five single family homes and orchard trees to a single family detached residential development.

Light and Glare

The project could potentially produce offsite light and glare. The project would be designed to utilize downward-directed low pressure sodium vapor street lights in order to prevent offsite light and glare.

Temporary Construction Visual Impacts

Construction of a typical project causes short-term visual impacts. The grading operations create a visual impact, and construction debris, rubbish and trash can accumulate on construction sites and are unsightly if visible from public streets. The completion of the project improvements and landscaping would eliminate the short-term visual impacts of the grading and construction operations.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

- Trees and landscaping shall be provided.

Light and Glare

- Downward-directed low pressure sodium vapor street lights along the public streets shall be provided in order to prevent offsite light and glare.

Temporary Construction Visual Impacts

- Public streets that are impacted by project construction activities shall be swept and washed down daily.

- Debris, rubbish and trash shall be cleared from any areas onsite that are visible from a public street.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The project site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The project site is not under a Williamson Act contract.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**	32,57
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				**X**	25,26,28

Important Farmlands

The project site is classified as urban and built-up land on the *Important Farmland Map* for Santa Clara County. Since the site is not located in an area identified as prime farmland, nor is the site being used for or zoned for agricultural use, the project would not have a significant impact on agricultural land.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The project site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the "air quality."

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, and particulate matter (PM_{10} and $PM_{2.5}$), and their standards are included in the Local Air Quality table that follows.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as "nonattainment areas". In June of 1998, the U.S. EPA reclassified the Bay Area from "maintenance area" to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin's reclassification to "maintenance area" for ozone in 1995. Reclassification required an update to the region's federal air quality plan.

Under the California Clean Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM_{10}). The county is either attainment or unclassified for the other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of "all feasible measures on an expeditious schedule".

Local Air Quality

Air quality in the project area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 2. Local Air Quality

Pollutant	Standard	Days Exceeding Standard 2000	2001	2002
OZONE				
State 1-hour	0.09 ppm	0	2	na*
Federal 1-hour	0.12 ppm	0	0	na*
Federal 8-hour	0.08 ppm	0	0	na*
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM_{10})				
State 24-hour	50 $\mu g/m^3$	7	4	2
Federal 24-hour	150 $\mu g/m^3$	0	0	0
PARTICULATE MATTER ($PM_{2.5}$)				
Federal 24-hour	65 $\mu g/m^3$	na**	na**	0

ppm = parts per million $\mu g/m^3$ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* The San Jose 4th Street monitoring station was closed for relocation on April 30, 2002, and reopened as San Jose Central on October 5, 2002. Ozone statistics for 2002 are not available.

** 2002 is the first year reporting $PM_{2.5}$ statistics.

Project Site

The project site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the project site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. The closest sensitive receptors are the single family residences located north, east, south and west of the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				**X**	29,34
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		**X**			26,34
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?			**X**		26,34

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY (Cont.). Would the project:					
d. Expose sensitive receptors to substantial pollutant concentrations?				**X**	28,34
e. Create objectionable odors affecting a substantial number of people?				**X**	26,28

Project Impacts

For most types of development projects, motor vehicles traveling to and from the project represent the primary source of air pollutant emissions associated with the project. The BAAQMD has established thresholds of significance for these indirect impacts from projects on local and regional air quality. An air quality analysis is recommended when vehicle emissions of carbon monoxide (CO) exceed 550 lbs/day; and if a project generates over 80 lbs/day of reactive organic gases (ROG), nitrogen oxides (NO_x) or suspended particulate matter (PM_{10}), it would have a significant air quality impact. The District has also developed sizes or activity levels for various types of land use, using default values, that would exceed the threshold of significance for NO_x (80 lbs/day). For single family residential, the size is 320 units. The proposed 15-unit project is substantially below that level and, therefore, would not have a significant air quality impact.

Odors

The project would not generate objectionable odors or place sensitive receptors adjacent to a use that generates odors (i.e., landfill, composting, etc.).

Temporary Construction Air Quality

Project construction would produce short-term fugitive dust generated as a result of soil movement and site preparation. Construction would cause dust emissions that could have a significant temporary impact on local air quality. Fugitive dust emissions would be associated with site preparation activities, such as excavation and grading, and building construction. Dust emissions would vary substantially from day to day, depending on the level of activity, the specific operations, and weather conditions. Particulates generated by construction are recognized, but small, contributing sources to regional air quality. While it is a potential impact, construction dust emissions can be mitigated by dust control and suppression practices that are appropriate for the project and level of activity.

Project Measures

Temporary Construction Air Quality

- The following construction practices shall be implemented during all phases of construction for the proposed project: 1) water all active construction areas at least twice daily or as often as needed to control dust emissions; 2) cover all trucks hauling soil, sand, and other loose materials and/or ensure that all trucks hauling such materials maintain at least two feet of freeboard; 3) pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; 4) sweep daily or as often as needed with water sweepers all paved access roads, parking areas and staging areas at construction sites to control dust; 5) sweep public streets daily, or as often as needed, with water sweepers, to keep streets free of visible soil material; 6) hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); 7) enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.) sufficient to prevent visible airborne dust; 8) limit traffic speeds on unpaved roads to 15 mph; 9) install sandbags or other erosion control measures to prevent silt runoff to public roadways; and 10) replant vegetation in disturbed areas as quickly as possible.

4. BIOLOGICAL RESOURCES

HortScience, Inc. conducted a tree survey that is included in the Technical Appendix.

SETTING

Vegetation

The project site presently contains trees and landscaping around the five existing residences, as well as orchard trees and a low herbaceous ground cover. There are no designated Heritage Trees on the site, and no rare or endangered plant species are known to inhabit the site.

Trees

A detailed tree survey of all trees on the site having trunk diameters of 6 inches or greater, or having multiple trunks, was conducted. A total of 34 non-orchard trees, ranging in diameter from 5 inches to 21 inches, were tagged and evaluated. Ten (10) non-orchard trees exceed 18 inches in diameter and come under the review of the City's Tree Ordinance. The approximate locations of the trees are shown on the following Tree Locations map, and their description by type, size and general condition is given in the following table. Ordinance-sized trees are shown in **bold** in the table. Photographs of each Ordinance-sized tree also follow.

General conditions of the trees were determined using a rating system for individual tree health and structure conditions, by assigning values for these categories from zero to five, with values of zero being the worst rating (dead) and values of five being the best. Trees with values of one to two were rated as “poor”, values of three were rated as “fair”, and values of four to five were rated as “good”.

In addition to the non-orchard trees discussed above, approximately 66 apricot orchard trees are also present on the site. Their trunks range in diameter from 4 to 12 inches. The apricot trees are generally in fair condition.

Riparian Corridor Habitat

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is not located on or within 300 feet of the project site. The project would not be constructed within 100 feet of riparian corridor habitat (within 100 feet of the top of bank or edge of riparian vegetation of any waterway).

Wildlife

The project site contains developed and agricultural habitat. Wildlife typically associated with this habitat type include birds, reptiles and small mammals. No rare or endangered animal species are known to inhabit the site. The site does not contain any known important wildlife breeding, nesting or feeding areas.

Click here for TREE LOCATIONS MAP
(FIGURE 15)

8 1/2 X 11

Table 3. Existing Trees

No.	Scientific Name	Common Name	Dia. * *(in.)*	Gen. Cond.	To Be Removed
1.	***Ulmus pumilla***	**Siberian Elm**	**25,18**	**Poor**	**X**
2.	***Ulmus pumilla***	**Siberian Elm**	**21,20**	**Poor**	**X**
3.	***Ulmus pumilla***	**Siberian Elm**	**19,17**	**Poor**	**X**
4.	*Feijoa sellowiana*	Pineapple Guava	5	Fair	X
5.	*Ligustrum lucidum*	Glossy Privet	8,4	Fair	X
6.	*Ligustrum lucidum*	Glossy Privet	8,4	Fair	X
7.	***Pinus halepensis***	**Aleppo Pine**	**22**	**Poor**	**X**
8.	*Citrus limon*	Lemon	6,6	Poor	X
9.	***Washingtonia robusta***	**Mexican Fan Palm**	**21**	**Good**	**X**
10.	*Calistemon citrinus*	Lemon Bottlebrush	8,5	Poor	X
11.	***Washingtonia robusta***	**Mexican Fan Palm**	**21**	**Good**	**X**
12.	*Cedrus deodara*	Deodar Cedar	16	Good	X
13.	***Washingtonia robusta***	**Mexican Fan Palm**	**21**	**Good**	**X**
14.	*Cinomomum camphora*	Camphor	14	Fair	X
15.	*Cinomomum camphora*	Camphor	16	Fair	X
16.	*Liquidambar styraciflua*	Sweetgum	7	Fair	X
17.	*Cupressus sempervirens*	Italian Cypress	12	Good	X
18.	*Cupressus sempervirens*	Italian Cypress	12	Good	X
19.	*Cupressus sempervirens*	Italian Cypress	12	Good	X
20.	*Cupressus sempervirens*	Italian Cypress	12	Good	X
21.	*Pinus thunbergiana*	Japanese Black Pine	7	Poor	X
22.	*Juniperus chinensis*	Hollywood Juniper	12	Fair	X
23.	*Juniperus chinensis*	Hollywood Juniper	9	Fair	X
24.	*Pinus thunbergiana*	Japanese Black Pine	5	Poor	X
25.	*Pinus thunbergiana*	Japanese Black Pine	8	Poor	X
26.	*Juglans hindsii*	California Black Walnut	9,7	Good	X
27.	***Quercus agrifolia***	**Coast Live Oak**	**13,10,7 ****	**Good**	**X**
28.	***Morus alba***	**Fruitless Mulberry**	**21**	**Fair**	**X**
29.	*Fraxinus oxycarpa*	Raywood Ash	10	Fair	X
30.	*Morus alba*	Fruitless Mulberry	16	Fair	X
31.	*Cedrus deodara*	Deodar Cedar	7	Good	X
32.	***Citrus sinensis***	**Orange**	**6,5,5,5****	**Good**	**X**
33.	*Feijoa sellowiana*	Pineapple Guava	5,5	Fair	X
34.	*Punica granatum*	Pomegranate	7,6	Fair	X

Note: Some trees have multiple stems from a single trunk. Ordinance-sized trees are shown in **bold**.

* Diameter at 2 feet above ground.

** Combined total represents Ordinance-sized tree.

Click here for (PHOTOGRAPHS OF) ORDINANCE-SIZED TREES (FIGURE 16)

8 1/2 X 11

COLOR

Click here for (PHOTOGRAPHS OF) ORDINANCE-SIZED TREES (FIGURE 17)

8 1/2 X 11

COLOR

Click here for (PHOTOGRAPHS OF) ORDINANCE-SIZED TREES (FIGURE 18)

8 1/2 X 11

COLOR

Click here for (PHOTOGRAPHS OF) ORDINANCE-SIZED TREES (FIGURE 19)

8 1/2 X 11

COLOR

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				**X**	25,59
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				**X**	25,70
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?				**X**	25

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES (Cont.). Would the project:					
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				**X**	25
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**			29,37,85
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				**X**	25,29

Trees

There are 34 non-orchard trees on the project site, ranging in diameter from 5 to 21 inches, as well as approximately 66 apricot orchard trees. All the trees are planned to be removed with the project, as indicated by an "X" on the preceding Existing Trees table. Ten of the non-orchard trees to be removed exceed 18 inches in diameter (56-inch circumference) and come under the review of the City's Tree Ordinance, which requires approval for the removal of any tree with an 18-inch diameter (56-inch circumference) or greater. Street trees would be planted along the public streets. Any non-orchard tree that is removed would be replaced with the addition of a new tree(s) at the following ratios:

≥18-inch diameter	4	24-inch box
12 to 17-inch diameter	2	24-inch box
<12-inch diameter	1	15-gallon

If sufficient area is not available onsite within the project for all of the replacement trees, a contribution would be made to Our City Forest where the funds would be used to plant trees within the City.

Wildlife

The project requires the removal of all of the trees and vegetation on the site. The birds and small mammals would diminish during the initial construction, but as the urban landscaping matures, birds that have adapted to the urban environment would return.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Trees

- Approval shall be obtained with the PD Permit for the removal of any tree with a diameter of 18 inches (56-inch circumference) or greater; and any such tree that is removed shall be replaced with a tree(s) as required by the San Jose Tree Ordinance.

Project Measures

Trees

- All non-orchard trees that are to be removed shall be replaced at the following ratios:
  - Each tree less than 12 inches in diameter to be removed shall be replaced with one 15-gallon tree.
  - Each tree 12 inches to 17 inches in diameter to be removed shall be replaced with two 24-inch box trees.
  - Trees 18 inches in diameter or greater shall not be removed unless a Tree Removal Permit has been approved for the removal of such trees; and each tree 18 inches in diameter or greater to be removed shall be replaced with four 24-inch box trees.

  The species and exact number of trees to be planted on the site shall be determined in consultation with the City Arborist and the Department of Planning, Building and Code Enforcement.

- In the event the developed portion of the project site does not have sufficient area to accommodate the required tree mitigation, one or more of the following measures shall be implemented at the permit stage:
  - An alternative site(s) shall be identified for additional tree planting. Alternative sites may include local parks or schools or installation of trees on adjacent properties for screening purposes to the satisfaction of the City's Environmental Principal Planner.
  - A donation of $300.00 per mitigation tree shall be made to Our City Forest or San Jose Beautiful for in-lieu offsite tree planting in the community. These funds shall be used for tree planting and maintenance of planted trees for approximately three years. A donation receipt for offsite tree planting shall be provided to the Planning Project Manager prior to issuance of a development permit.

5. CULTURAL RESOURCES

Urban Programmers conducted an architectural and historical evaluation that is included in the Technical Appendix.

SETTING

Prehistoric Resources

The project site is not within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Planning Division. There are no known cultural sites on the project site, nor does the site have any natural features of significant scenic value or with rare or unique characteristics.

Historic Resources

An architectural and historical evaluation of the five existing houses located on the project site was conducted to determine their significance, if any.

Architectural Evaluation

Assessor's Parcel No. **647-07-061** contains three houses, garages and fruit trees. It forms a "U" around the other two parcels of the project site that have been subdivided. The home on the Story Road side of the "U" (14450 Story Road) is a single-story Spanish Eclectic Cottage style house with a garage and a detached play room and utility shed. The house and garage were constructed in 1949, with the play room some 10 years later. All of these buildings are described in detail in the report in the Technical Appendix. The house is in relatively good condition, while the other buildings show deterioration and insect-damaged wood.

On the Clayton Road side of the "U" are two very small, rectangular, single-story houses that were constructed a few years apart, with the one closest to, and facing, the street (1055 Clayton Road) constructed c1935, and the other, rotated facing the driveway (1053 Clayton Road), was constructed c1940. Both have single car garages. All of these buildings are described in detail in the report in the Technical Appendix. It is unknown whether these two houses were constructed onsite or were moved to this location. They are in relatively poor condition. The remainder of the parcel is a small fruit orchard.

Assessor's Parcel No. **647-07-062** is a corner lot that contains a single house that faces onto Story Road (14490 Story Road). This single-story Mediterranean style house, which was constructed in 1941, is described in detail in the report in the Technical Appendix.

Assessor's Parcel No. **647-07-063** contains one house (1117 Clayton Road), an eclectic modern style, two-story building that was constructed in 1966. This building is described in detail in the report in the Technical Appendix. The building is in good condition, but is showing signs of deferred maintenance and painting.

Historical Evaluation

Part of the Rancho Pala, the project site was included in the 187-acre parcel known as C.E. White #14, owned in 1876 by Charles E. White, an attorney who came to California from Missouri in 1846; by 1876, he had amassed a large land holding. Subdivided in 1888 and filed as the Richards and North subdivision, the project site is portions of Lot 9 and 10 of that subdivision. A large parcel was acquired by Amelia R. Terry and distributed to her children. Although two buildings on the property appear older, no improvements were recorded on the parcel until 1941, when the house at 14450 Story Road was constructed. The house at 1117 Clayton Road was constructed for Terry's daughter, Janet, and her husband in 1966. In 2002, the executors of the George Terry Estate distributed the property to Janet Terry Davis, Veronica Terry, and Ernest and Cecilia Echavarria.

647-07-061 The original owner in 1949 (14450 Story Road) appears to be George Terry and his wife, Albertina. George Terry is listed as a maintenance foreman at Kaiser Aluminum and Chemical, and also as a farmer. Albertina, who was born in the Azores Islands, died at the age of 66 on August 10, 1980. In 1981, the property was transferred to George Patrick Terry and the Terry children, Veronica Terry and Janet Davis. It is currently owned by Ernest and Cecilia Echavarria.

The two modest cottages (1053 and 1055 Clayton Road) were constructed as utilitarian living spaces on the site that still includes a small orchard. It appears from directory listings that the houses have been occupied as rental property since they were constructed or moved to the site. They remain on the parcel that is currently owned by Ernest and Cecilia Echavarria.

647-07-062 Constructed in 1941, the corner house (14490 Story Road) is part of the parcel owned by Amelia Terry and transferred to her son, George Terry, in 1940. In 1953, it transferred to joint tenancy between George and his wife, Albertina. It appears that the Terry's lived in the house between 1941 and 1949; after 1949, it is likely that other family members occupied the house, although records do not show the building as separate from the others on the project site. The earliest directory listing is 1970 and shows Samuel Smith and his wife, Juanita, as the residents. Smith was a security guard. By 1975, James E. Piper and his wife, Candy, are shown as residents. The parcel was subdivided from the larger parcel in 1981; the current owners are Ernest and Cecilia Echavarria.

647-07-063 Constructed in 1966, it appears that this house (1117 Clayton Road) was built for Janet Terry Davis and her husband, Jim W. Davis. Jim was a technical employee of Lockheed. The property was subdivided from the larger parcel in 1981, and is currently owned by the Davis' and rented.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?			**X**		25, 39,40,86
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		**X**			27,38
c. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?				**X**	27,59
d. Disturb any human remains, including those interred outside of formal cemeteries?		**X**			27

Prehistoric Resources

The project site is not in a potential archaeological resource zone. There is no basis to warrant subsurface investigations or monitoring during construction at this time; however, there is still a possibility that unknown subsurface cultural resources may exist on the site.

Historic Resources

The project site is made up of three Assessor's Parcels (647-07-061, -062, and -063), and contains five houses that were constructed between c1935 and 1966. It is unknown whether two of the houses on 647-07-061 (1053 and 1055 Clayton Road) were constructed onsite or were moved to this location.

The project site was evaluated using the criteria or standards of the City of San Jose Historic Preservation Ordinance and those of the California Register and National Register of Historic Places.

Based on the City of San Jose's historical significance criteria, the San Jose Historical Landmarks Commission has established a process by which historical resources are evaluated for significance and a numerical value is assigned. Scores of 134-67 points qualify the resource for nomination as a City Landmark; 66-33 points qualify the resource as a Structure of Merit or as a Contributing Structure to an historic district, and for listing on the Inventory of Historic Resources; and resources scoring 32 points or less are not eligible for a category of significance. The evaluation points received by the structures under the City of San Jose Historic Evaluation Criteria follow; as none of the structures achieved a total of 33 points or greater, none of the buildings is eligible for a category of significance. The historic evaluation forms are included in the report in the Technical Appendix.

Assessor's Parcel Number	Address	Points
647-07 061	14450 Story Road	18.52
	1053 and 1055 Clayton Road	22.00
647-07-062	14490 Story Road	14.02
647-07-063	1117 Clayton Road	3.00

The National Register of Historic Places has established standards for evaluating the significance of resources that are important in the heritage of the nation. The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing resources in the National Register of Historic Places, but have been modified for State use in order to include a range of historical resources that better reflect the history of California. The houses on the project site retain integrity of design, materials, location, setting, feeling, workmanship, and association. The buildings are not associated with strong patterns, events or persons who have made significant contributions to the history or heritage of San Jose or of Santa Clara County. The buildings are not eligible for listing in the National Register or the State Register of Cultural Resources.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Native Americal Burials

- Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California: In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified by the developer and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

Prehistoric Resources

- Should evidence of prehistoric cultural resources be discovered during construction, work in the immediate area of the find shall be stopped to allow adequate time for evaluation and mitigation, and a qualified professional archaeologist called in to make an evaluation; the material shall be evaluated; and if significant, a mitigation program including collection and analysis of the materials prior to the resumption of grading, preparation of a report and curation of the materials at a recognized storage facility shall be developed and implemented under the direction of the Environmental Principal Planner.

Historic Resources

None required.

6. GEOLOGY AND SOILS

ENGEO Incorporated conducted a geotechnical investigation and a fault exploration, both of which are included in the Technical Appendix.

SETTING

Topography

The project site has a uniform westerly slope of approximately 2 to 3 percent. Elevations on the site range from approximately 183 feet at the northeasterly boundary along Clayton Road to approximately 160 feet at the westerly corner along Story Road. There are no significant topographical features on the site.

Geology

The project site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

The project site is located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance. For proposed development in a geologic hazard zone, a Certificate of Geologic Hazard Clearance must be obtained from the Director of Public Works before any discretionary approval for development, or any grading permit or any building permit, may be issued for any property located in a special geologic hazard area. Geologic hazard is defined as:

> *"any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, limb, property, or improvements due to movement, failure or shifting of earth, or which, in the opinion of the Director, may lead to damage to structures which may be located on or adjacent to soils or rocks having such conditions."*

In order to receive a Certificate of Geologic Hazard Clearance, the applicant must demonstrate to the satisfaction of the Director of Public Works that the proposed development is not endangered or potentially endangered by geologic hazards on the site or in the area which may potentially affect the site, nor will it create new hazardous geologic conditions or potentially endanger adjoining lands, and that the proposed improvements, including earthwork, will adequately mitigate the identified geologic hazards.

Soils

The project site is underlain by the alluvial soils of the Cropley-Rincon, 2-9% slopes association as classified by the United States Department of Agriculture, Soil Conservation Service. San Ysidro loam, 2-9% slopes, eroded (SdB2) is the specific soil type identified at the site. San Ysidro loam, 2-9% slopes, eroded is characterized by a light brownish gray, massive, hard medium acid surface layer approximately 13 to 18 inches thick; moderately good natural drainage; very slow subsoil permeability; slow to medium surface runoff; slight to moderate erosion hazard; low inherent fertility (Class III); and a high shrink/swell potential.

The site is not mapped within a hazard zone for liquefaction on the City's *Geologic/Seismic Hazard Zones* maps. According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a moderately high liquefaction potential, weak soil layers and lenses occurring at random locations and depths, highly expansive soils, a moderate erosion potential, and is not susceptible to landslides. These soils conditions can be managed using standard engineering measures and do not require further geologic study at this time as part of the environmental review process, but may require further analysis prior to the issuance of a grading or building permit.

Faulting

There are no identified earthquake faults mapped on the site, and the site is not mapped within a designated Alquist-Priolo Earthquake Fault Zone (formerly Special Studies Zone) or within a City of San Jose Fault Hazard Zone. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 1.3 and 3.8 miles respectively to the northeast, and the San Andreas Fault, which is mapped approximately 16.3 miles to the southwest. The project site is mapped within a City of San Jose Potential Hazard Zone, as shown on the following Fault Hazards map.

Geotechnical Investigation

A geotechnical investigation was conducted to assess geologic/geotechnical hazards at the site; determine the suitability of the site for the proposed development; and provide recommendations regarding site grading, drainage, and foundation design. The investigation consisted of a review of readily available literature and geologic maps for the project area; exploratory drilling with collection of subsurface samples; advancement of one cone penetrometer test probe; laboratory testing of subsurface materials collected from the boreholes; analysis of the data; and preparation of recommendations for site development.

Literature/Map Review

Regional maps locate the site on the east edge of the broad, north-south trending, alluvial-filled Santa Clara Valley at the foot of the Mt. Hamilton Range. Soils at the site are mapped as Holocene alluvial fan deposits and/or the northwesterly third as Holocene alluvial fan deposits and the southeasterly two-thirds as Pleistocene alluvial fan deposits.

Click here for FAULT HAZARDS MAP (FIGURE 20)

8 1/2 X 11

A segment of the Evergreen Fault is mapped in this area by several geologists, roughly coinciding with Clayton Road; others indicate the fault as the Quimby Fault. The Evergreen/ Quimby Fault is mapped as potentially active.

Subsurface Exploration

Five exploratory borings were drilled and one cone penetrometer test (CPT) probe was advanced on the site on March 9, 2004. The test borings were drilled to approximate depths of 16.5 and 19.5 feet below ground surface (bgs). The CPT probe was extended to a maximum depth of approximately 38 feet bgs, where the probe encountered refusal. The approximate locations of the borings and probe and their respective logs, are included in the report in the Technical Appendix.

The near-surface soils down to a depth of approximately 3 feet in the borings consist of stiff, dark brown silty and sandy clay that is moist to very moist. The underlying soil from approximately 3 feet to the maximum drilled (19.5 feet) is alluvial in nature and, therefore, quite variable. The materials sampled typically consisted of clayey sand, sandy silt and sandy clay, with varying amounts of gravel. The in-situ moisture content ranged from damp to very moist; the granular materials were generally medium dense to dense, and the fine-grained materials encountered ranged from very stiff to hard. According to empirical correlations of the CPT data, the soils beneath the site appear to consist generally of clayey material down to the maximum depth probed (38 feet). Groundwater was not encountered to the depths explored.

Laboratory Testing

A laboratory testing program was conducted on selected soil samples to determine the following soil characteristics: natural unit weight and moisture content, plasticity index, and grain size distribution. The results of the laboratory tests are included in the report in the Technical Appendix. The soils tested indicated a high expansion potential.

Investigative Conclusions

The principal adverse geotechnical factors that would affect the project are seismic shaking and expansive soils. The project site is considered suitable for the proposed residential development from a geotechnical standpoint, provided the recommendations included in the geotechnical presented report are followed.

Fault Exploration

Published maps of the area show a segment of either the Evergreen Fault or the Quimby Fault roughly coinciding with Clayton Road. A fault exploration study was performed to explore subsurface conditions at the site to determine if there is evidence of a fault crossing the site and to provide recommendations to mitigate potential fault hazards.

Five pairs of stereo aerial photographs dating from 1954 to 1980 were studied for the presence of features characteristic of fault zones such as linear discontinuities in rock or soil, offset water courses, linear scarps, topographic lows, or breaks in slope. Visible linear features were not noticed to traverse the property. The predominant feature observed in the aerial photographs coinciding with the mapped fault trace is the break in slope between the valley floor and the hillsides on the east side of Clayton Road.

A 128-foot-long trench was excavated on March 25, 2004, perpendicular from the northeasterly boundary of the property along Clayton Road, as close as possible to the mapped fault trace. No features indicative of faulting were observed in the exploratory trench. Previous fault trenching on the adjacent site to the southeast also found no evidence of faulting. The locations of the current and previous trenches are shown in the report in the Technical Appendix.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
  1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
  2) Strong seismic ground shaking.
  3) Seismic-related ground failure, including liquefaction.
  4) Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving: 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				**X**	42,43,46, 47,87,88
2) Strong seismic ground shaking?		**X**			27,45,87
3) Seismic-related ground failure, including liquefaction?			**X**		45,87
4) Landslides?				**X**	27,43,45
b. Result in substantial soil erosion or the loss of topsoil?		**X**			44,45
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			**X**		45,87
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		**X**			44,45,87
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				**X**	28

Geologic Hazard Zone

The project site is located within a geologic hazard zone as mapped by the City in accordance with the Geologic Hazards Ordinance. A Certificate of Geologic Hazard Clearance must be obtained from the Director of Public Works before any discretionary approval for development, or any grading permit or any building permit, may be issued for any property located in such a geologic hazard zone.

Expansive Soils

The surface soils on the site pose a hazard to building foundations because of their high shrink/swell potential. Mitigation measures for this problem include controlling and directing drainage away from structures and pavements, and the use of special foundations.

Erosion

Development of the project site may subject the soils to accelerated erosion. In order to minimize erosion, erosion control measures such as those described in the Association of Bay Area Governments (ABAG) *Manual of Standards for Erosion & Sediment Control Measures* would be incorporated into the project.

Ground Rupture

Ground rupture (surface faulting) tends to occur along lines of previous faulting. As the site is not located within a State of California Earthquake Fault Hazard Zone, there are no known active faults on the site, and trenches on the project site and adjacent property indicated no evidence of faulting, the potential for ground rupture due to an earthquake is low.

Seismic Shaking

The maximum seismic event occurring on the site would probably be from effects originating from the Hayward, Calaveras, or San Andreas fault systems. Ground shaking effects can be expected in the area during a major earthquake originating along any of the active faults within the Bay Area. At present, it is not possible to predict when or where movement will occur on these faults. It must be assumed, however, that movement along one or more of these faults will result in a moderate or major earthquake during the lifetime of any construction on this site. The effects on development would depend on the distance to the earthquake epicenter, duration, magnitude of shaking, design and quality of construction, and geologic character of materials underlying foundations.

The maximum credible earthquake, which is defined as *"the maximum earthquake that appears capable of occurring under the presently known framework"*, for the San Andreas Fault ranges from magnitude 8.0 to 8.3; and from magnitude 7.0 to 7.5 for either the Hayward or Calaveras Faults. The maximum probable earthquake, which is defined as *"the maximum earthquake that is likely to occur during a 100-year interval"*, for the San Andreas Fault ranges from magnitude 7.5 to 8.5; from magnitude 6.75 to 7.5 for the Hayward Fault; and from magnitude 6.5 to 7.0 for the Calaveras Fault.

Structural damage from ground shaking is caused by the transmission of earthquake vibrations from the ground into the structure. Ground shaking is apparently the only significant threat to structures built on the site; however, it is important to note that well-designed and constructed structures that take into account the ground response of the soil or rock in their design usually exhibit minor damage during earthquake shaking.

The project would be designed and constructed to incorporate wall bracing, mudsil anchors, tie downs, and/or hinge connectors to ensure structural stability in accordance with the earthquake design regulations of the Uniform Building Code requirements, which are intended to reduce seismic risks to an acceptable level.

Secondary Seismic Effects

Soil liquefaction is a phenomenon in which saturated, cohesionless soil layers located close to the ground surface lose strength during cyclic loading, such as imposed by earthquakes. During the loss of strength, the soil acquires a "mobility" sufficient to permit both horizontal and vertical movements. Soils that are most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands. The conditions at this site are such that the potential for liquefaction to occur is considered to be very low.

Based on the topographic and lithologic data, the risk of earthquake-induced lurch cracking, lateral spreading, regional subsidence or uplift, tsunamis or seiches is considered low at the site.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Geologic Hazard Zone

- A Certificate of Geologic Hazard Clearance shall be obtained from the Director of Public Works prior to any discretionary approval for all development in areas shown on the Geologic Hazards Ordinance map; and any Conditions of Clearance including, but not limited to, measures identified in the geologic evaluation, slope stabilization, surface and subsurface drainage control, offsite improvements, use restrictions, erosion control and/or maintenance guarantees for private improvements contained therein shall be implemented as specified.

Project Measures

General

- All earthwork and foundation plans and specifications shall comply with the recommendations of the geotechnical investigation by ENGEO Incorporated. The geotechnical report lists approximately 20 recommendations that are included in the project for site grading, foundations, slabs-on-grade, retaining walls, pavement design, drainage, and utility trenches, most of which reflect standard engineering practices that are not required to mitigate environmental impacts. The recommendations that specifically address potential geotechnical hazards found on the site are included below.

Expansive Soils

- Post-tensioned or conventionally-reinforced floating mat foundation systems shall be utilized in any residences subjected to expansive soils movement.

- Drainage shall be controlled and directed away from all structures and pavements.

Erosion

- A City approved erosion control plan shall be developed and implemented with such measures as: 1) the timing of grading activities during the dry months, if feasible; 2) temporary and permanent planting of exposed soil; 3) temporary check dams; 4) temporary sediment basins and traps and/or 5) temporary silt fences.

7. HAZARDS AND HAZARDOUS MATERIALS

ENGEO Incorporated conducted a Phase One environmental site assessment and an agrichemical impact assessment, both of which are included in the Technical Appendix.

SETTING

Phase One Environmental Site Assessment

A Phase One environmental site assessment was conducted to identify recognized environmental conditions associated with the project site. A Recognized Environmental Condition is defined as "the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property". The assessment consisted of site history research, including a review of historical aerial photographs; a site reconnaissance; and a review of local, state and federal regulatory agency databases.

Site History

Historical aerial photographs of the site from 1939 through 1993 were reviewed. The property was bare, open land with one residential structure at the location of the residence identified as 1053 Clayton Road in the 1939 photograph. The neighboring properties were being used as agricultural land. Three more residential structures were located on the property by 1956, identified as 14450 and 14490 Story Road and 1055 Clayton Road; the land in the middle of the homes was being used for agricultural purposes. The adjacent property to the northwest was developed into a single family residential neighborhood, and several homes were built to the northeast. The project site and surrounding properties appeared unchanged in the 1965 photograph. By 1982, a fifth residential structure had been erected on the site, identified as 1117 Clayton Road. Adjacent property to the southwest had been developed with single family residences, and several homes had been built to the southeast. The project site appeared relatively unchanged in the 1993 photograph. The adjacent property to the southeast had been fully developed into a single family residential neighborhood.

Review of City sources, historical maps and interviews with the current property owners to determine the site's past usage revealed no recognized environmental conditions associated with the site.

Site Reconnaissance

A site reconnaissance was conducted on February 5, 2004; the project site was viewed for hazardous materials storage, surficial staining or discoloration, debris, stressed vegetation, or other conditions that may be indicative of potential sources of soil or groundwater contamination. The site was also inspected for fill/ventilation pipes, ground subsidence, or other evidence of existing or pre-existing underground storage tanks.

The property currently contains five single family residential dwellings. Additional structures include four detached garages, along with a patio room behind 14450 Story Road. The homes have asphalt driveways and concrete flatwork. Three of the homes (14450 Story Road, and 1053 and 1055 Clayton Road) have in-place septic systems with associated leach lines. The septic tank for 14450 Story Road is located on the western side of the residence, and the septic tanks for 1053 and 1055 Clayton Road are located in the back yards on the eastern side of the residences; the leach lines run towards the center of the property. The open space between the five homes is covered with seasonal grasses and apricot trees. No storage tanks, drums containing chemicals or hazardous materials, or hazardous substance and/or petroleum product containers were observed during the reconnaissance. No transformers were observed on the property. No stained soil or pavement, or areas of stressed vegetation, were observed. No surficial evidence of a water supply well was observed on the site.

Regulatory Agency Review

Several regulatory agency databases pertaining to toxic and fuel contamination were searched regarding the project site and known contaminated sites with the immediate vicinity, as detailed in the report in the Technical Appendix. The listings provided records and information pertaining to registered underground storage tanks and underground storage tank leaks, aboveground storage tanks, hazardous materials, transformers, accidental releases, spills, active/non-active sites, and sites with remedial actions in progress. The project site is not located on any of the researched local, state or federal databases; cases identified within the immediate vicinity are discussed in the report in the Technical Appendix. Given the available database information and the distances to any sites identified in the vicinity, these sites would not be expected to significantly impact the project site.

Agrichemical Impact Assessment

As the site was historically used for agriculture (orchards), during which time pesticides and herbicides may have been used, an agrichemical impact assessment was conducted, consisting of the collection and analysis of soil samples from 4 shallow soil borings. Fieldwork was conducted on February 27, 2004. Soil samples were taken from a depth of 3 to 9 inches below the ground surface. The four samples were analyzed for organochlorine pesticides and the metals mercury, arsenic, and lead in accordance with EPA methodology. Select organochlorine pesticides, including DDD [8.8 to 41 parts per billion (ppb)], DDE (61 to 640 ppb), and DDT (11 to 59 ppb) were detected. Concentrations of mercury ranged from 0.060 to 0.45 parts per million (ppm), concentrations of arsenic ranged from a non-detectable level to 11 ppm, and concentrations of lead ranged from 25 to 40 ppm. The locations of the shallow soil borings and the laboratory analyses are included in the report in the Technical Appendix.

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.
- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		**X**			26,27,28 80,89,90
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				**X**	28,89,90
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				**X**	27, 28,89,90
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**	52,89

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				**X**	27,61
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				**X**	27,61
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				**X**	27
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				**X**	25, 27,72,73

Septic Systems

Three in-place septic systems, consisting of septic tanks and associated leach fields, are located on the project site. The septic systems would be removed in accordance with the requirements of the Santa Clara County Sewage Disposal Ordinance.

Agricultural Chemicals

Due to historical agricultural (orchard) use, a soil investigation was conducted to determine if any residual agrichemicals may be present in site surface soils. Organochlorine pesticides detected in the soil consist of DDD, DDE, and DDT. Each concentration is below the EPA Preliminary Remediation Goals (PRGs) of 2,400 ppb for DDD and 1,700 ppb for DDE/DDT for residential soils. Metals detected in the soil consist of mercury, arsenic, and lead. All of the reported metal concentrations are below the EPA PRGs of 23 ppm, 22 ppm, and 400 ppm, respectively. The property does not appear to have been adversely impacted from past agricultural practices. Following review of the Phase I and agrichemical impact reports, the City Environmental Compliance Officer determined no further investigation would be required.

Demolition

The project proposes the demolition of a structure(s) that may contain hazards such as asbestos-containing materials (ACM) or lead based paint (LBP). The structures to be removed should be surveyed for the presence of ACM and/or LBP. If any suspect ACM are present, they should be sampled prior to demolition and removed in accordance with National Emissions Standards for Hazardous Air Pollutants (NESHAP) and Cal-OSHA requirements, if warranted. If any suspect

LBP is present, it should be sampled prior to demolition and removed in accordance with EPA and OSHA requirements, if warranted.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

General

- The project site shall be viewed by a qualified environmental professional during demolition and pre-grading activities to observe areas of the property that may have been obscured by existing structures or pavement for such items as stained soils, septic systems, underground storage tanks, and/or unforeseen buried utilities; and, if found, a mitigation program shall be developed and implemented with such measures as soil testing, removal and/or offsite disposal at a permitted facility.

Asbestos-Containing Materials

- The structures to be removed shall be surveyed for the presence of asbestos-containing materials at the demolition permit stage; and if any suspect ACM are present, they shall be sampled prior to demolition in accordance with NESHAP guidelines, and all potentially friable ACM shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with NESHAP and Cal-OSHA requirements.

Lead Based Paint

- The structures to be removed shall be surveyed for the presence of lead based paint at the demolition permit stage; and if any suspect LBP is present, it shall be sampled prior to demolition, and all potential LBP shall be removed prior to building demolition and disposed of by offsite burial at a permitted facility in accordance with EPA and OSHA requirements.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways
There are no waterways on the project site or within 300 feet of the project site.

Flooding
The project site is not within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the site is not within Zone A, the area of 100-year flood. The Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the project site does not lie within a flood zone.

Evergreen Development Policy
The Evergreen Development Policy (EDP) was adopted in August, 1976 and revised in 1991 and 1995 to address the issues of flood protection and traffic capacity on development in the Evergreen area. The Evergreen Development Policy Area is defined as land within San Jose's Urban Service Area Boundary, south of Story Road and east of U.S. 101. The project site is located within this area.

The 1976 EDP established protection from the 100-year flood as the standard condition for development approval. Over the years, development was allowed to proceed only if the 100-year flood protection was in place for each project and downstream of each project. As a result of developer contributions, the flood control system is substantially complete. The exceptions are the upstream portions of the Quimby and Fowler Creek watersheds where development has not yet occurred.

The 1995 Revised EDP maintains the 100-year flood protection prerequisite to project approvals and identifies the remaining watersheds to be improved to allow the buildout of Evergreen to proceed.

Water Quality
Stormwater runoff flows westerly to Lower Silver Creek and then north to the San Francisco Bay.

Nonpoint Sources
The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional

Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Urban Runoff Pollution Prevention Program was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being developed and implemented. The development, implementation and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Urban Runoff Pollution Prevention Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		**X**			28,55,69
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				**X**	25,27
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				**X**	25,26
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				**X**	25,26
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				**X**	26,28
f. Otherwise substantially degrade water quality?				**X**	26,28
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				**X**	26, 27,53,54
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				**X**	26, 27,53,54
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				**X**	27,28
j. Be subject to inundation by seiche, tsunami or mudflow?				**X**	27

Flooding

The project site is not within the limits of potential inundation with the occurrence of a one percent flood.

Evergreen Development Policy

The project site is located in the Evergreen Development Policy Area. Any development within the Area is subject to the flood protection requirements listed below. Each policy is followed by a statement on the project's compliance.

1. Development will be allowed only if it is protected from the 100-year flood.

   The project site is not subject to the 100-year flood.

2. Development will be allowed only if it would not divert flood or overland flows onto or cause flooding on other properties.

   Completion of the improvements planned with the project would not divert flood or overland flows onto or cause flooding on any adjacent properties.

3. Flood control improvements required within the Evergreen Development Policy Area have been completed with the exception of the Quimby and Fowler Creek watersheds. Development within these watersheds must be consistent with Policies 1 and 2.

   The project site is not within the Quimby or Fowler Creek watersheds.

The proposed project is in conformance with the flood protection requirements of the Evergreen Development Policy.

Water Quality

The primary impact on water quality would be from street drainage. Particulates, oils, greases, toxic heavy metals, pesticides and organic materials are typically found in urban storm runoff. The project's contribution would have a potentially significant impact on water quality. In addition, temporary construction-related activities such as clearing, grading, or excavation could result in potentially significant impacts to water quality.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Water Quality

- A Notice of Intent and a Storm Water Pollution Prevention Plan that addresses both construction and post-construction periods and specifies erosion and sediment control measures, waste disposal controls, maintenance responsibilities and non-stormwater management controls, shall be submitted to the RWQCB and maintained onsite,

respectively, to comply with the stormwater discharge requirements of the NPDES General Permit.

Project Measures

Water Quality

- A Storm Water Pollution Prevention Plan (SWPPP) in compliance with the local NPDES permit shall be developed and implemented including: 1) site description; 2) erosion and sediment controls; 3) waste disposal; 4) implementation of approved local plans; 5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements; 6) Best Management Practices (BMPs) such as the use of infiltration of runoff onsite, first flush diversion, flow attenuation by use of open vegetated swales and natural depressions, stormwater retention or detention structures, oil/water separators, porous pavement, or a combination of these practices for both construction and post-construction period water quality impacts; and 7) non-storm water management.

- All roof drains shall drain away from the building foundation and discharge into a landscaped area.

9. LAND USE AND PLANNING

SETTING

General Plan

The land use designation for the project site on the San Jose 2020 General Plan is Medium Low Density Residential (8 du/ac). The proposed project has a net density of 8.3 du/ac. With the irrevocable offer of street dedication along Story Road and Clayton Road and under the Two-Acre Rule, defined below, the project conforms with the General Plan.

Discretionary Alternate Use Policies – Two Acre Rule

The Two-Acre Rule is defined in the San Jose 2020 General Plan as follows:

> **Two-Acre Rule**
> *"One of the goals of the General Plan is to encourage infill development. For some infill sites, physical or environmental constraints may require innovative design solutions. To further this objective, existing parcels of two acres or less may have an allowed use other than that designated on the Land Use/ Transportation Diagram as follows:*
>
> - *Parcels with a residential land use designation may be developed at a higher or lower density range. The appropriate density for a given site should be determined based on compatibility with surrounding land uses. Projects developed under this policy should be of exceptional design.*
> - *Parcels with a non-residential land use designation may be developed under any residential or non-residential category.*
>
> *The alternate land use allowed by this policy should be compatible with existing and planned uses on adjacent and neighboring properties. To use this policy, projects should exceed the minimum standards of the Zoning Ordinance and adopted design guidelines."*

Special Areas

The project site is not located within any of the following special areas:

- Midtown Planned Community and Specific Plan Area
- Jackson – Taylor Planned Residential Community
- Communications Hill Planned Residential Community
- Evergreen Planned Residential Community
- Berryessa Planned Residential Community
- Silver Creek Planned Residential Community
- Alviso Master Plan Area
- Tamien Specific Plan Area
- Downtown Strategy Plan Area
- North San Jose (Rincon de Los Esteros Redevelopment Area)
- Edenvale Redevelopment Area

Zoning

The project site is currently zoned "A" (Agriculture District) and R1-5 (Residence District). The project is an application to rezone the site to A(PD) in accordance with the proposed General Development Plan.

Existing Use

The project site is currently residential and agricultural (orchard). Previous uses of the site are unknown. The proposed project is a land use presently existing in the surrounding neighborhood (within 500 feet of the project site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the project site include: single family detached residential to the north, east, south, and west.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.
- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				**X**	25,26
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				**X**	29
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				**X**	25,26,28

The project would change the land use on the site from residential and agricultural (orchard) to residential use in accordance with the General Plan. Residential use is compatible with the surrounding area. Development of the project site would introduce a new road and homes to the area. These uses would change the view of the site and would generate increases in traffic, noise and air pollution in the area that would not be significant.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

10. MINERAL RESOURCES

SETTING

The project site does not contain a quarry; however, the site is mapped as having deeper sand and gravel deposits that are valuable for percolation.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				**X**	27,29,59
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				**X**	27,29,59

The project site is within a developed urban area. The project would not result in the loss of availability of a known mineral resource.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

11. NOISE

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources along Story Road and Clayton Road, which carry Average Daily Traffic (ADT) volumes of approximately 10,800 and 9,100, respectively, adjacent to the site, as shown on the *City of San Jose and Surrounding Area Traffic Flow Map (2001).* The City of San Jose General Plan establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. Story Road and Clayton Road are not designated as having noise level exceedances adjacent to the site on the *City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources*.

ALUC Noise Zone

The project site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**		26,60

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE (Cont.). Would the project result in:					
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				**X**	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			**X**		25,26,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		**X**			25,26,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**	27,61
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				**X**	27,61

Standards

Noise criteria that apply to the project are included in the City of San Jose General Plan, which establishes a policy of requiring noise mitigation from transportation noise for residential land use where the exterior level exceeds 60 dB DNL and/or the interior level exceeds 45 dB DNL. Noise levels in the area are within the General Plan standards, and project development is not expected to generate traffic noise in excess of the standards.

Temporary Construction Noise

During construction, the site preparation and construction phase would generate temporary sound levels ranging from approximately 70 to 90 dBA at 50 foot distances from heavy equipment and vehicles. These construction vehicles and equipment are generally diesel powered, and produce a characteristic noise that is primarily concentrated in the lower frequencies.

The powered equipment and vehicles act as point sources of sound, which would diminish with distance over open terrain at the rate of 6 dBA for each doubling of the distance from the noise source. For example, the 70 to 90 dBA equipment peak noise range at 50 feet would reduce to 64 to 84 dBA at 100 feet, and to 58 to 78 dBA at 200 feet. Therefore, during the construction operations, sound level increases of 20 to 40 dBA due to these sources could occur near the project boundary.

Since construction is carried out in several reasonably discrete phases, each has its own mix of equipment and consequently its own noise characteristics. Generally, the short-term site preparation phase, which requires the use of heavy equipment such as bulldozers, scrapers, trenchers, trucks, etc., would be the noisiest. The ensuing building construction and equipment installation phases would be quieter and on completion of the project, the area's sound levels would revert essentially to the traffic levels.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Project Measures

Temporary Construction Noise

- Construction operations shall be limited to the daytime hours of 7:00 a.m. to 7:00 p.m. Monday through Friday for any onsite or offsite work within 500 feet of any residential unit so as to avoid the more sensitive evening, nighttime and weekend hours.

- All construction equipment, fixed or mobile, shall be in proper operating condition and fitted with standard factory silencing features; mufflers shall be used on all heavy construction equipment.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 918,800. The project site is located in Census Tract 5035.08, which has a population of approximately 6,087 (2000 Census). There are five housing units currently on the project site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			**X**		25,26,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			**X**		25,26
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?			**X**		25,26

The project would displace 5 existing housing units. The project would add 15 housing units that would add up to approximately 63 people to the City of San Jose, which would not be a substantial increase to the City's population.

Direct growth inducing impacts include the construction of streets and utilities that would provide access to or capacity for additional undeveloped land. The site is bordered by developed residential uses. The project would not have a direct growth inducing impact. Indirect growth inducing impacts include increases in population and economic impacts. There would be short-term increases in employment in the construction industry. The project would not have an indirect growth inducing impact.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

13. PUBLIC SERVICES

SETTING

Schools

The project site is in the Mt. Pleasant School District (K-8) and the East Side Union High School District (9-12). Students from the project are expected to attend:

School	Address	Approx. Distance *(miles)*	Enrollment
Mt. Pleasant Elementary (K-3)	14275 Candler Drive	0.4	411
Foothill Intermediate (4-6)	1966 Flint Avenue	1.2	873
Boeger Junior High (7-8)	1944 Flint Avenue	1.1	633
James Lick High	57 N. White Road	1.0	1,200

None of the schools is at or over capacity. Busing is provided to the elementary, intermediate and junior high schools.

Parks

There is one developed City of San Jose park within walking distance (3/4 mile) of the project site. Mt. Pleasant Park, located at Aramis Drive and Park Pleasant Circle, is a 5.4-acre neighborhood park that contains a playground, tennis courts, picnic tables and barbecue pits.

Fire Protection

The project site is in the service area of the San Jose Fire Department. The fire stations responding to emergency calls, i.e., fires and emergency medical situations, within the project site and their approximate response times are listed below. The total reflex time is the time from when the Department first receives the call to when the firemen reach their destination.

Station No.	Address	Approx. Distance (*miles*)	Projected Travel Time (*minutes*)	Travel Time Standard (*minutes*)	Projected Total Reflex Time (*minutes*)	Total Reflex Time Standard (*minutes*)
Initial First Alarm:						
1st Engine: 21	1749 Mt. Pleasant Road	1.1	2.2	4.0	6.4	8.0
2nd Engine: 2	2933 Alum Rock Avenue	1.7	3.4	6.0	7.4	10.0
1st Truck: 2	2933 Alum Rock Avenue	1.7	3.4	6.0	7.4	10.0
1st B. Chief 2	2933 Alum Rock Avenue	1.7	3.4	9.0	7.4	13.0
Full First Alarm:						
3rd Engine: 16	2001 S. King Road	3.2	6.4	9.0	10.4	13.0
2nd Truck: 16 *	2001 S. King Road	3.2	6.4	11.0	10.4	15.0
2nd B. Chief 1	255 N. Market Street	5.6	11.2	11.0	15.2	15.0

** Urban Search and Rescue (USAR) unit.* B. Chief = Battalion Chief

All of the response times are within the recommended limits except for the 2nd-due Battalion Chief, which is 0.2 minute in excess of the standards. It should be noted that all times are estimates based on average conditions and can vary considerably due to weather, time of day, traffic patterns and other variables. These estimated response times only measure the arrival of the emergency response vehicle to the "curb"; they do not consider the set up time required before abatement of an incident can begin nor the time it takes the firefighters to reach any victims.

Police Protection

The project site is within Beat No. C6 of the San Jose Police Department's service area. The most frequent crimes reported in Beat C6 during 2003 were simple assault, narcotics, auto theft, and disturbing the peace.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?			**X**		7
Police protection?			**X**		65
Schools?			**X**		8,9
Parks?			**X**		27,28
Other Public Facilities?			**X**		28

Schools

The project would add additional students to the Mt. Pleasant School District and the East Side Union High School District, as follows:

School	Enrollment	Generation Factor	Number of Students
Mt. Pleasant Elementary	411	--	--
Foothill Intermediate	873	--	--
Boeger Junior High	633	0.40/du (K-8)	8
James Lick High	1,200	0.20/du	4

Based on the district generation factors listed above, the project could generate a total of up to 12 students. This is not considered to have a significant physical effect on the environment.

The State School Facilities Act provides for school district impaction fees for elementary and high schools and related facilities as a condition of approval of residential projects. Both districts have implemented such a fee. The one-time fee, which is based on the square footage of new habitable residential construction, would be paid prior to the issuance of a building permit and would be allocated to the two districts.

Parks

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there is currently one developed City of San Jose park within the 3/4-mile reasonable walking distance standard. The City parks in the area are adequate to serve the project residents.

Parkland Dedications

The City has established a Parkland Dedication Ordinance that requires dedication of land and/or payment of fees for neighborhood and community park or recreational purposes in accordance with the Services and Facilities and the Parks and Recreation Goals and Policies of the General Plan. There are currently no plans to dedicate land for park purposes with the project.

Fire Protection

The project site is in the service area of the San Jose Fire Department. All of the response times are within the recommended limits except for the 2nd-due Battalion Chief. No additional fire personnel or equipment are expected to be necessary due to the implementation of this project.

Police Protection

The San Jose Police Department provides police protection for the city. No additional police personnel or equipment are expected to be necessary to serve the project.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

14. RECREATION

SETTING

There is one developed City of San Jose park within walking distance (3/4 mile) of the project site. Mt. Pleasant Park, located at Aramis Drive and Park Pleasant Circle, is a 5.4-acre neighborhood park that contains a playground, tennis courts, picnic tables and barbecue pits.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			**X**		62,63
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				**X**	26,28

The City of San Jose provides parks and recreation facilities within the city. Project residents would increase the demand for public park facilities; however, there is currently one developed City of San Jose park within the 3/4-mile reasonable walking distance standard. The City parks in the area are adequate to serve the project residents.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

15. TRANSPORTATION / TRAFFIC

SETTING

Street System

Access to the project site is provided by Story Road, which is a two-lane arterial street, and by Clayton Road, a two-lane collector street. Story Road provides access to Capitol Expressway and to US 101 to the west. Arthur Avenue is a two-lane residential street (a half-street along the southeasterly site frontage).

Public Transit

Public transit in the project area is provided by the Santa Clara Valley Transportation Authority. Bus route 25 (Story & White - De Anza College) operates along Story Road with stops at Story Road and White Road. The project site is not located within 2,000 feet of a light rail station.

Evergreen Development Policy

The Evergreen Development Policy (EDP) was adopted in August, 1976 and revised in 1991 and 1995 to address the issues of traffic capacity and flood protection in the Evergreen area. The purpose of the 1995 Revised EDP is to provide the updated policy framework for the buildout of Evergreen, and it identifies the remaining street system improvements required to allow up to 4,620 planned or potential dwelling units to proceed. In 1998, the Policy was amended to define a significant impact requiring mitigation as: 1) An increase in traffic which causes a level of service designation to change; or 2) a. Residential Projects: The addition of any traffic to an intersection operating at Level of Service E or F, or b. Non-residential Projects: The addition of more than one-half percent increase in critical traffic movement to an intersection operating at Level of Service E or F.

This Policy is intended to apply to all properties planned for development in the EDP Area defined as land within San Jose's Urban Service Area Boundary, south of Story Road and east of U.S. 101. The project site is located within the Evergreen Development Policy Area.

Congestion Management Program Analysis

A Congestion Management Program (CMP) analysis was not performed because the Santa Clara County Congestion Management Agency, which monitors regional traffic issues, does not require an analysis for small projects of less than 100 peak hour trips.

Freeway Segment Analysis

A freeway level of service analysis was not performed since project trips on freeway segments would not be greater than one percent of the capacity of the segments.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Add any increase in traffic that causes a level of service designation to change; or add any traffic to an intersection within the Evergreen Development Policy Area operating at Level E or F for residential projects, or more than a one-half percent increase in critical traffic movement to an intersection within the Evergreen Development Policy Area operating at Level E or F for non-residential projects.
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternative transportation.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?		**X**			68,71
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			**X**		74
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				**X**	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				**X**	26,28
e. Result in inadequate emergency access?				**X**	26,28
f. Result in inadequate parking capacity?				**X**	26,28
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				**X**	26,29

Trip Generation

The project traffic generation is estimated in the following table.

Table 4. Project Traffic Generation

Land Use	Units	Trip Rate	Daily Trips	A.M. Peak Hour Trips In (35%)	A.M. Peak Hour Trips Out (65%)	A.M. Peak Hour Trips Total	P.M. Peak Hour Trips In (65%)	P.M. Peak Hour Trips Out (35%)	P.M. Peak Hour Trips Total
SFD residential	15	9.9	149	5	10	15	10	5	15

Evergreen Development Policy

The project site is located within the Evergreen Development Policy Area. Development would be allowed in the EDP Area only if adequate transportation facilities are provided to maintain existing plus approved Level of Service throughout the Area. The City of San Jose established Benefit Assessment District No. 91-209SJ to fund and construct the transportation improvements necessary for development of the Evergreen Development Policy Area. Regional and local improvements of roadways and intersections included in the City of San Jose Engineer's Report for the Benefit Assessment District No. 91-209SJ have been identified as necessary to accommodate the buildout of the EDP Area with a total of 4,759 units.

The project site has 15 allocations, as follows. There are 5 existing homes on the site, and the site has 10 allocations under the Evergreen Development Policy.

MITIGATION MEASURES INCLUDED IN THE PROJECT

Program Measures

Benefit Assessment District No. 91-209SJ

- Fees established by the Benefit Assessment District shall be paid to fund and construct the transportation improvements necessary for the development of the Evergreen Development Policy Area.

Project Measures

None required.

16. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There is an existing 8-inch City of San Jose sanitary sewer in Clayton Road, and existing 6-inch City sanitary sewers in Story Road, Arthur Avenue and Formosa Ridge Drive. Extensions within the project would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve the project based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently processing an estimated 135 MGD of dry weather flow. At the same time, the WPCP is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded. There are programs and services in place to help minimize flows to the Plant and, while plans are in place to ensure Plant compliance with the 120 mgd trigger, those plans call for conservation and water recycling as strategies for ongoing compliance.

Water Supply

There is an existing 12-inch San Jose Water Company (SJWC) water line in Story Road and existing 10-inch and 18-inch SJWC water lines in Clayton Road. Extensions within the project would be required.

Storm Drainage Facilities

There is an existing 15-inch City of San Jose storm drainage line in Arthur Avenue and an existing 15-inch City storm drainage line in Story Road, stubbed approximately 80 feet westerly of Clayton Road. Extensions within the project would be required.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose, using GreenTeam of San Jose and/or Norcal. They are currently using the Newby Island sanitary landfill disposal site operated by International Disposal Company. The landfill area has an estimated service life of 30 years. An unlimited residential recycling program in the City currently results in an approximately 50 percent reduction in residential solid waste that typically required disposal in a landfill.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Telephone service for the project site is provided by SBC. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT AND MITIGATION

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			**X**		13,69
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			**X**		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			**X**		11,28
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			**X**		28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS (Cont.). Would the project:					
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**		28
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			**X**		28
g. Comply with federal, state and local statutes and regulations related to solid waste?			**X**		28

Sanitary Sewers

Sanitary sewer service for the project site is provided by the City of San Jose. The existing sanitary sewer lines in Clayton Road, Story Road, Arthur Avenue, and Formosa Ridge Drive are available and adequate to serve the project. Extensions within the project would be provided.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant. The project is estimated to generate an average of approximately 4,300 gallons per day (0.004 MGD) of effluent, based on the Growth Management System's land use/effluent coefficient of 237 gallons per day per single family detached residential unit. High energy efficiency appliances (e.g., Energy Star Certified clothes washers, dishwashers, etc.) would be provided with the project.

Water Supply

Water for the project site is provided by the San Jose Water Company. The existing water lines in Story Road and Clayton Road are available and adequate to serve the project. Extensions within the project would be provided. The project is estimated to require approximately 8,200 gallons of water per day, based on 130 gallons per person per day. The project incorporates built-in water savings devices such as shower heads with flow control devices and low flush toilets to reduce water usage.

Storm Drainage Facilities

An increase in impervious surfaces associated with project development would cause an increase in stormwater runoff. Storm drainage service for the project site is provided by the City of San Jose. The existing storm drainage lines in Arthur Avenue and Story Road are available and adequate to serve the project. Extensions within the project would be provided. An onsite

collection system including curbs, gutters and an underground system would be included in the project.

Solid Waste / Recycling

Residential solid waste disposal service for the project site is provided by the City of San Jose. The project is estimated to generate up to approximately 34 tons of solid waste per year, based on 3.0 pounds per person per day; however, with recycling, the amount disposed of in a landfill could be reduced to approximately 17 tons per year.

Gas and Electric Service

There are existing Pacific Gas and Electric Company gas and electric services in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

Telephone Service

There are existing SBC telephone facilities in the area that would be extended as required to serve the project. There is sufficient capacity in this utility system to provide adequate project service.

MITIGATION MEASURES INCLUDED IN THE PROJECT

None required.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to (1) degrade the quality of the environment, (2) substantially reduce the habitat of a fish or wildlife species, (3) cause a fish or wildlife population to drop below self-sustaining levels, (4) threaten to eliminate a plant or animal community, (5) reduce the number or restrict the range of a rare or endangered plant or animal or (6) eliminate important examples of the major periods of California history or prehistory?			**X**	
b. Does the project have impacts that are individually limited, but cumulatively considerable? "Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects and the effects of other current projects.			**X**	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		**X**		

Impact Summary

As discussed in previous sections, the proposed project would have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly, with respect to air quality, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. With the implementation of the previously listed Mitigation Measures Included in the Project, these impacts would be reduced to less-than-significant impacts with mitigation.

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT	Braddock & Logan Group
PROJECT TITLE	**Story & Clayton Property**
PROJECT LOCATION	Southwesterly quadrant of Story Road and Clayton Road (14450, 14490 Story Road and 1053, 1055, 1117 Clayton Road)

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

_____ _____

Date Applicant

APPENDIX

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8. **Vince Sunseri**, Chief of Maintenance and Operations, Mt. Pleasant School District
9. **Alan Garofalo**, Director of Facilities and Bond Management, East Side Union High School District
10. **Karen Mack**, Principal Engineering Technician, Transportation Department, City of San Jose
11. **Roger Storz**, Associate Civil Engineer, Development Services Division, Department of Public Works, City of San Jose
12. **Vicki Larson**, Engineering Technician, Engineering Department, San Jose Water Company
13. **Sami Areikat**, Sanitary Engineer, Environmental Services Department, City of San Jose
14. **Skip Lacaze**, Senior Environmental Specialist, Office of Environmental Management, City of San Jose
15. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company

Sources and References

25. **Site Inspection**

26. **Project Plans**

27. **Knowledge of the Area**

28. **Experience with Other Project(s) of this Size and Nature**

29. **San Jose 2020 General Plan, Focus on the Future**, City of San Jose Department of Planning, Building and Code Enforcement, August 16, 1994, as amended

30. **Santa Clara County Important Farmland Map**, State of California Department of Conservation and the United States Department of Agriculture, Soil Conservation Service, 1996

31. **Advisory Guidelines for the Farmland Mapping and Monitoring Program**, California Department of Conservation, Division of Land Resource Protection, 1992

32. **Assessor's Maps**, Office of County Assessor, Santa Clara County, 2003-2004

33. **Bay Area Air Pollution Summary - 2000, 2001 and 2002**, **Bay Area Air Quality Management District Website**, www.baaqmd.gov

34. **BAAQMD CEQA Guidelines**, Bay Area Air Quality Management District, April, 1996 as revised December, 1999

35. **At The Crossroads**, State of California Resources Agency, Fish and Game Commission, and Department of Fish and Game, December, 1980 as amended July, 1983

36. **Inventory of Rare and Endangered Vascular Plants of California**, Robert M. Powell, California Native Plant Society Special Publication No. 1, 1974

37. **Heritage Tree List**, San Jose City Council, August 26, 1988

38. **Potential Archaeological Resource Maps**, San Jose Department of Planning, Building and Code Enforcement

39. **Santa Clara County Heritage Resource Inventory**, Santa Clara County Historical Heritage Commission, October, 1975 with Amendments

40. **Historic Resources Inventory**, City of San Jose Historic Landmarks Commission, Department of City Planning and Building, September, 1996

41. **San Jose East Quadrangle**, United States Geological Survey, 1980

42. **Generalized Geologic Map**, Roger D. Borcherdt, James F. Gibbs, and Kenneth R. Lajoie, 1975

43. **Geologic Hazard Zones**, City of San Jose, November, 1985

44. **Soils of Santa Clara County**, United States Department of Agriculture, Soil Conservation Service, 1968

45. **San Jose Geotechnical Investigation**, Cooper-Clark and Associates, July, 1974

46. **Special Studies Zones Map, San Jose East Quadrangle**, California Division of Mines and Geology, January 1, 1982

47. **Fault Hazard Maps, San Jose East Quadrangle**, City of San Jose, 1983

48. **Santa Clara Valley Map**, Barclay Maps, 1993

49. **Manual of Standards for Erosion and Sediment Control Measures**, Association of Bay Area Governments, June, 1981

50. **Standards for the Sealing of Abandoned Wells, Santa Clara County**, Santa Clara Valley Water District and Santa Clara County Health Department, July 27, 1976

51. **Ordinance No. 90-1**, Santa Clara Valley Water District, April 24, 1990

52. **Hazardous Waste and Substance Sites List**, California Environmental Protection Agency Hazardous Materials Data Management Program, December, 1994

53. **Flood Insurance Rate Maps, San Jose, California, Panel No. 060349-0020E**, Federal Emergency Management Agency, December 16, 1988

54. **Maps of Flood Control Facilities and Limits of 1% Flooding**, Santa Clara Valley Water District, June, 1993

55. **NPDES Permit for the Santa Clara Valley Urban Runoff Pollution Prevention Program**, California Regional Water Quality Control Board San Francisco Bay Region

56. **Land Use/Transportation Diagram, San Jose 2020 General Plan**, City of San Jose Department of Planning, Building and Code Enforcement

57. **Zoning Maps**, City of San Jose Department of Planning, Building and Code Enforcement

58. **City Maps**, Department of Public Works, City of San Jose, 1998

59. **A Plan for the Conservation of Resources**, Santa Clara County Planning Department, November, 1973

60. **City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources**, Illingworth & Rodkin, Inc., April 5, 1998

61. **Land Use Plan for Areas Surrounding Santa Clara County Airports**, Airport Land Use Commission, September, 1992

62. **Leisure and Life 2000**, San Jose Department of Recreation, Parks and Community Services, March 2, 1988

63. **Neighborhood Parks, City of San Jose, Parks, Recreation and Neighborhood Services Department Website,** www.sjparks.org

64. **Parkland Dedication Ordinance**, City of San Jose, December 8, 1992 as revised March, 2000

65. **Crime Statistics - 2003, San Jose Police Department Website,** www.sjpd.org

66. **Traffic Flow Map, City of San Jose and Surrounding Area, 24-Hour Volumes**, Department of Streets and Traffic, City of San Jose, 2001

67. **Route Schedules and Route Maps, Santa Clara Valley Transportation Authority Website**, www.vta.org

68. **Transportation Level of Service, Council Policy 5-3**, City of San Jose City Council, August 26, 1980

69. **Specific Use Codes and Sewage Coefficients - Development Tracking Information System**, City of San Jose, March 1, 1985

70. **Riparian Corridor Policy Study**, City of San Jose, May 17, 1994 as revised March, 1999

71. **Evergreen Development Policy**, City of San Jose, as revised August 18, 1998

72. **Santa Clara County General Plan**, Santa Clara County Planning Office, December 21, 1994 (as amended 1996)

73. **The Safety Element of the General Plan of Santa Clara County**, Santa Clara County Planning Department, July, 1977

74. **Congestion Management Program, Transportation Impact Analysis Guidelines**, Santa Clara Valley Transportation Authority, adopted May 7, 1998

75. **Guadalupe Corridor Project**, Guadalupe Corridor Project Public Information Office, January, 1990

76. **Zoning Ordinance**, City of San Jose, February 19, 2001

77. **State of California Seismic Hazard Zones Map, San Jose East Quadrangle**, California Division of Mines and Geology, January 17, 2001

78. **Geologic/Seismic Hazard Zones**, City of San Jose, February 8, 2002

79. **General Property Information, City of San Jose Website**, www.sjpermits.org

80. **Email Regarding Phase I and Agrichemical Impacts Review, PCD04-026 Corner of Story Road and Clayton Road**, Gary Lynch, July 27, 2004

Consultants' Reports

85. **Tree Report, Story and Clayton Project, San Jose, CA**, HortScience, Inc., March 25, 2004

86. **Architectural and Historical Evaluation, Story and Clayton Roads**, Urban Programmers, July 13, 2004

86. **Geotechnical Exploration, Story and Clayton Properties, San Jose, California**, ENGEO Incorporated, March 31, 2004

87. **Fault Exploration, Story and Clayton Roads, San Jose, California**, ENGEO Incorporated, April 6, 2004

89. **Phase One Environmental Site Assessment, Story and Clayton, Echavarria Parcels 647-07-061 and 647-07-062, Davis Parcel 647-07-063, San Jose, California**, ENGEO Incorporated, February 20, 2004

90. **Agrichemical Impact Assessment, Story and Clayton, Echavarria Parcels 647-07-061 and 647-07-062, Clayton Parcel 647-07-063, San Jose, California**, ENGEO Incorporated, March 9, 2004

TECHNICAL APPENDIX

TECHNICAL APPENDIX

Copies of the following consultants' reports, which were prepared for the **Story & Clayton Property** and are summarized in this Environmental Clearance Application / Initial Study, are included in this Technical Appendix.

Tree Report, Story and Clayton Project, San Jose, CA, HortScience, Inc., March 25, 2004

Architectural and Historical Evaluation, Story and Clayton Roads, Urban Programmers, July 13, 2004

Geotechnical Exploration, Story and Clayton Properties, San Jose, California, ENGEO Incorporated, March 31, 2004

Fault Exploration, Story and Clayton Roads, San Jose, California, ENGEO Incorporated, April 6, 2004

Phase One Environmental Site Assessment, Story and Clayton, Echavarria Parcels 647-07-061 and 647-07-062, Davis Parcel 647-07-063, San Jose, California, ENGEO Incorporated, February 20, 2004

Agrichemical Impact Assessment, Story and Clayton, Echavarria Parcels 647-07-061 and 647-07-062, Clayton Parcel 647-07-063, San Jose, California, ENGEO Incorporated, March 9, 2004